

# **EXHIBIT 13 (REDACTED)**

From: [REDACTED]

To: [REDACTED]

Sent: 5/30/2020 4:17:54 AM

Subject: RE: Current Pornhub Network Compliance Guideline Rules

More comment regarding non-consent

- Videos that comes from a verified studio (especially a known company) will be allowed even if it depict CLEAR non-consent because we know it's fake and done by known pornstar/actors.
  - Example: punished teens: team skeet company.
- This also applies to some videos with Incest play and some underage play ( girls where we have 2257 but portrayed as barely legal)

From: [REDACTED]  
Sent: Friday, May 29, 2020 11:59 PM  
To: [REDACTED]  
Subject: Current Pornhub Network Compliance Guideline Rules

Hey [REDACTED]

Please note that the following rules (divided by category) represent the requirements by which user generated content on the Pornhub Network is graded and judged by MindGeek Content Compliance and Brand Protection. This is based on our extensive experience dating back to almost 7 years. While we don't have any of those rules written, we base our review on team experience.

#### Non-consent

- The act/use of Force to obtain sex are flagged for removal.
- Use of weapons to obtain sex are flagged for removal.
- Acts which inflict bodily harm within sexual context are also flagged for removal.
- Visible signs of a performer's unwillingness to participate in sexual action ultimately must be present in all scenes, especially rougher scenes.
- Acts of hypnosis are specifically graded by presence of incapacitation/passing out as a result of the hypnosis. The performer has to appear in control. If this is not visible, the video is flagged and removed.
- Scatophilia is prohibited in all contexts.
- Visible signs of a performer's unwillingness to participate in sexual action must be present throughout the scene, especially rougher scenes, to be flagged and removed.

#### There are some contextual/subjective considerations taken into account when reviewing content and enforcing the rules above:

- Example of a permissible weapon could be a scene with a gangster or policeman, who has a weapon, but the sex which ensues is not dependent/initiated based on the use of the weapon.
- Public location shoots where female can scream or get away can be kept provided it is non-violent and the female gets into it at a reasonable point.
- Video compilations (montages) in which there are mostly compliant images and occasional borderline/grey images can be kept. This is provided the occasional borderline image doesn't grotesquely violate any of the

other aforementioned conditions.

- When borderline part of the video is buried within a long-running video containing multiple scenes (most of which are compliant), and tags are clean, video can be kept. This is provided the occasional borderline image doesn't grotesquely violate any of the other aforementioned conditions.
- Depictions of urination are permitted, provided all participants are consenting to the act.
- Consensual or tangential vomit/spit-up is permitted, provided there are no chunks/blood shown or from as a result of drinking.

### **Violence**

- No depiction of simulated murder or death as a result of a sexual act is permitted on the site.
- Acts of excessive violence/beating or for lack of consent is considered non-compliant and are flagged for removal.
- Acts of degradation, not entered into willingly by either participant, and are flagged for removal.
- The depiction of blood as a result of sexually violent act is prohibited.

**There are some contextual/subjective considerations taken into account when reviewing content and enforcing the rules above;**

- Some pre or post-story plot related elements maybe contextually allowed, provided they are unrelated to a sexual act.
- Non-Sexual Violence will be allowed. Provided the violence doesn't lead to sexual contact, and is not excessive, it will be allowed on Tubes.
- There are some allowances for rough sex/BDSM acts, provided we the audience are made aware at a certain point that the sexual acts (while not explicitly requested) are performed with consent given during the video, they will be subject to review and flagging based on those results. \*NOTE: as outlined by processors; intro and exit video interviews of the performer consenting to the sexual acts can be considered as proof of consent. Only the 'scene contextual information' can be considered.
- Blood present as a result of menstrual blood and consensual defloration videos (for concerns of misogynistic accusations).
- Bruising is allowed as long as it is not inflicted during the video. There exceptions to this given in BDSM videos, provided no other consent concerns exist.
- Performers (broadly speaking) cannot be depicted crying during sex. Minor tearing and sighing in the context of consensual sex is not a problem (ex. First time anal). However, in these cases the analyst must be looking for alternate signs of consent or non-consent from the performers on screen.

### **Age of Consent/Underage**

- All performers must be 18 years old +. In cases of verified users, we count on the Tubes team to have their identifications to prove age.
- Any word combination or code implying underage performers is flagged and quickly removed from the site. This includes a heavy emphasis on photo galleries.
- Dolls that are purposely depicted as underage children are flagged and removed.
- Sounds of children in the background (specifically off-camera) result in the video being removed without question.
- When discovered, comments which question a performers age are investigated to the fullest by the team. Including, but not limited to Google and social media searches to find specific known cases of illegality.

### **Intoxication**

- Use of alcohol in a scene, or discussion of alcohol use, must not imply or depict total incapacitation as a result of alcohol consumption. They need to remain in control of their actions.
- Use of drugs in a scene, or discussion of drug use, must not imply or depict total incapacitation as a result of drug consumption. They need to remain in control of their actions.
- Use of Chloroform (or equivalents) in order to obtain sex is expressly prohibited. The term and its variations are specifically banned on Pornhub.
- Depiction of drugging a performer into submission in order to obtain sex is prohibited, and results in removal of videos. Particular attention is paid in this regards to amateur uploads or so called "revenge porn".

- Sexual act cannot be performed on a "passed out" individual. "Passed out" implies that the individual was visibly either drugged, drunk, or "knocked out" i.e. unconscious. This should differentiate between "passed out" and "sleeping".

### **Unconsciousness**

- Any sleeping performers who have sexual action performed on them must wake up and demonstrate consent at some point while the sexual action is taking place. There needs to be clear consent shown when they are awakened. If a video has no penetrative sex, all performers must still show clear consent at a reasonable time during the video (roughly defined as no later than two-thirds of the way through a scene).

In summary, several thousand uploads a day, the MindGeek Content Compliance Team reviews Pornhub content from a wide range of submitters (amateurs, models, studios, etc.) and reviews them with the goal of identifying problematic metadata and preview images first. We are noted limited to videos, and also monitor photo galleries and community message boards with the goal of discovering and addressing non-compliant material on the network.

Let me know if you have any questions

Thank you

